

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG 11 2006

Case No. 5565
Date Filed 8/4/06
Hearing Date _____
Receipt _____
Fee 5450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5565 MAP 52 TYPE Variance ELECTION DISTRICT 02

LOCATION 2418 Old Robin Hood Road, Havre de Grace 21078

BY Gary and Debra Leadore

Appealed because a variance pursuant to Section 267-34C Table II of the Harford County Code to permit a garage to be located within the 70' front yard setback (58' average proposed) and pursuant to Section 267-26C(1) to allow a garage to exceed the height of the house in the AG District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name GARY T. LEADORE Phone Number 410-272-6157
Address 2418 OLD ROBIN HOOD ROAD HAYRE DE GRACE MD 21078
Street Number Street City State Zip Code

Co-Applicant DEBRA L. LEADORE Phone Number 410-272-6157
Address 2418 OLD ROBIN HOOD ROAD HAYRE DE GRACE MD 21078
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2418 Old Robin Hood Road, Havre de Grace,
MD. 21078

Subdivision N/A

Lot Number _____

Acreage/Lot Size 2.13

Election District 02

Zoning Agriculture

Tax Map No. 52

Grid No. 1B

Parcel 251

Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: 4 Bed Room Rancher, 12x20 1 car
garage shop, 1 - 10 x 12 Black Bean Shed

Estimated time required to present case: 1/2 hour

If this Appeal is in reference to a Building Permit, state number Permit was denied

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

Request to erect/build a new 2 car garage
24' x 26' x 20'. Garage would have 2 wide front
garage door openings. Request is for variance
to get closer to the road than 70'. Average
distance to road is now 58'. See supporting
Height to ridge of garage may exceed statements.
house ridge by about 2 feet.

Justification

See supporting statements. (Attached)

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

July 29, 2006

2418 Old Robin Hood Road
Havre de Grace, MD 21078
410-272-6157 (Home)
410-278-0455 (Work)


**Justification for Zoning Variances for Property at 2418 Old Robin Hood Road,
Havre de Grace, MD Postal area (21078)**

1. The proposed 2-car garage, 26 feet wide by 24 feet deep and 20 feet high (see TAB B) can only be practically located where it is shown on the property sketch at TAB C. The peak of the garage roof may exceed the house ridge by about two feet so we also need relief from the zoning regulations on that feature.

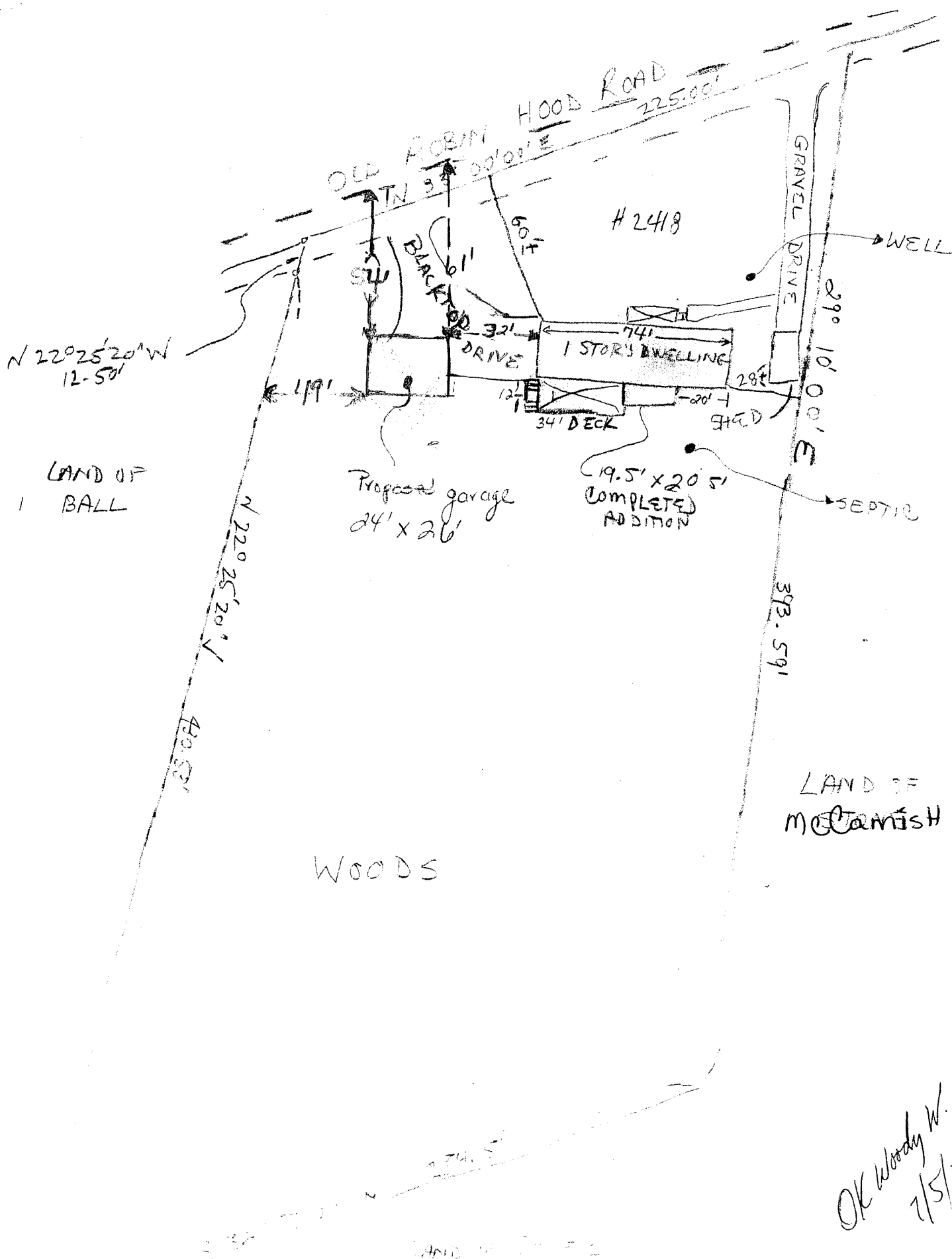
Mitigating factors include:

- a. There is a swale located about 40 feet to the west side of the property boundary between Leadore and Ball property that serves as a drain area for Old Robin Hood Road run-off water.
 - b. Likewise there is a larger swale that divides the rear southern portion of the property that is water (springs?) and run-off from adjoining property up the road easterly. It is approximately 80' to the start of that swale/stream.
 - c. Behind and to the east of the proposed garage is the septic reserve for drain fields from the house.
 - d. There is a small stand of 4-6 trees to the rear of the proposed garage with large oak trees likely to be upwards of 100 years old or more. Not a desirable environmental option and costly to remove. Even if removed for land reutilization and placement of garage, it would be too close to the swale from Old Robin Hood Road.
2. Contacted the Harford County Health Department on 5 July and spoke with Mr. Woodie Williams about the proposed construction. Mr. Williams advised that no health related issues were apparent with the proposal.
3. See aerial map at TAB C. A sharp road angle (near 40 degrees) coming from the south/southwest of Old Robin Hood Road at 2418 Old Robin Hood is such that the property angles closer to the road than neighbors on either side of this property. If the road/property line were straighter such as the other adjoining properties, then a greater distance could be achieved from the road. We have an average of 58' to the center of the road (deeded property line) as opposed to the 70' we need by current County regulation.

4. We have no opposition to the proposed garage from any adjoining property owners or neighbors (see TAB D).
5. Current house at 2418 has no basement (only a 4 feet crawl space) and storage space is desperately needed to allow for extra living space in dwelling.
6. Similar project (oversized 3 car garage) has recently been constructed at 313 Robin Hood Road (property of Charles Hash), approximately ¼ mile from the property of 2418 Old Robin Hood Road.
7. Proposed garage is in keeping with the architecture and structure of the present building, and with the structures already located on the surrounding properties and neighbors.
8. We the undersigned as co-owners of 2418 Old Robin Hood Road implore the Zoning Hearing Examiner to grant this variance request in order for this garage to be built in the spirit of fairness and well being of all concerned.


Gary T. Leadore/date


Debra L. Leadore/date



OK Woody W.
7/5/06

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 5, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5565

APPLICANT/OWNER: Gary T. Leadore
2418 Old Robinhood Road, Havre de Grace, Maryland 21078

Co-APPLICANT: Debra L. Leadore
2418 Old Robinhood Road, Havre de Grace, Maryland 21078

REPRESENTATIVE: Applicant

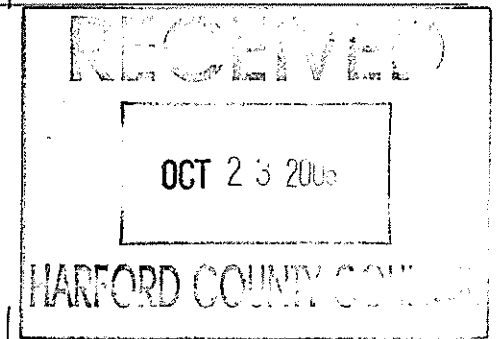
LOCATION: 2418 Old Robinhood Road
Tax Map: 52 / Grid: 1B / Parcel: 251
Election District: Second (2)

ACREAGE: 2.13 acres

ZONING: AG/Agricultural

DATE FILED: August 4, 2006

HEARING DATE: November 1, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Request to erect/build a new 2 car garage 24'x26'x20'. Garage would have 2 nine foot garage door openings. Request is for variance to get closer to the road than 70 feet. Average distance to road is now 58 feet. See supporting statements. Height to ridge of garage may exceed house ridge by about 2 feet."

Justification:

Preserving Harford's past; promoting Harford's future

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Gary and Debra Leadore

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(See Attachment 1)

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit a garage to be located within the 70 foot front yard setback (58 feet average proposed) and pursuant to Section 267-26C(1) of the Harford County Code to allow a garage to exceed the height of the house in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

Section 267-26C(1) of the Harford County Code reads:

- (1) *In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principle use or structure. This does not apply to agricultural structures, nor does it affect the provisions of Section 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nrt the conducting of any business unless otherwise provide in this Part 1. [Amended by Bill No. 84-56]*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the southeast area of the County between Aberdeen to the west and Havre de Grace to the east. The property is situated on the south side of Old Robinhood Road, west of Robinhood Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located inside of the Development Envelope. The predominant land use designations in this area are Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects Chesapeake Bay Critical Area, Habitats of Local Significance, and Stream Buffer Systems. The subject property is designated as Low Intensity which is defined by the 2004 Master Plan as:

***Low Intensity** – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

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Gary and Debra Leadore

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Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. The subject property is located in an area that contains a mix of single family residences, active agricultural uses and large areas of dense woodland. Commercial and Industrial uses can be found to the south along Route 40. The topography of the area ranges from rolling to steep especially near the streams. A copy of the topography map and the aerial photograph are enclosed with the report (Attachments 7 and 8).

The subject property is a rectangular shaped parcel approximately 2.13 acres in size with frontage on the southeast side of Old Robinhood Road. Robinhood Road is a paved County Road. The property is approximately 95 percent wooded. Approximately 80 feet to the rear of the house is a stream that traverses the property which is a tributary to Swan Creek. Down the right or south side of the property is a swale. The curbing and the pipe under the road carry the water to the swale on the Applicant's property. The topography of the property ranges from gently sloping to rolling. The improvements on the property include a single family dwelling with a room addition off the rear. There is a deck and 2 sheds and a blacktopped driveway and parking area are situated to the front of the lot. To the rear of the dwelling is the septic system. The well is to the front of the property. The proposed garage will go in the area of the existing shed to the right side of the dwelling. Site photographs along with an enlargement of the aerial photograph are enclosed (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. Zoning classifications include AG/Agricultural, R, R1, R2 and R4/Urban Residential Districts, CI/Commercial /Industrial District and GI/General Industrial District. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit a garage to be located within the 70 foot front yard setback (58 feet average proposed) and pursuant to Section 267-26C(1) of the Harford County Code to allow a garage to exceed the height of the house in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

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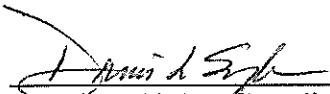
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The Department finds that the subject property is unique. The natural features of the site (stream and swale) along with the location of the septic system and well, severely limit the useable area of the property. The proposed location of the garage is the only practical location. The existing dwelling is one story and has a fairly flat roof. The proposed height of the garage will be consistent with other garages in the area. The requested variance should not adversely impact the adjacent properties or the intent of the code.

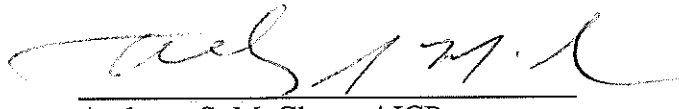
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the garage.
2. The garage shall not be used for living area.
3. The garage shall not be used in the furtherance of a business.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning